

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

vs.

**DAVID LYMAN SPALDING,
Defendant.**

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No. 3:13-CR-422-M

Referred to U.S. Magistrate Judge¹

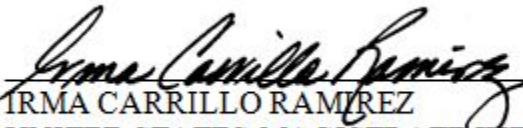
**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the defendant's *Notice of Appeal*, received on June 9, 2020 (doc. 351), which also requests a waiver of the filing fee on appeal. The notice is therefore also construed as a motion for leave to proceed *in forma pauperis* on appeal. The motion to proceed *in forma pauperis* on appeal did not include a certificate of inmate trust account for the six-month period preceding the filing of the notice of appeal, as required by 28 U.S.C. § 1915(a) since the movant is a federal prisoner. On June 18, 2020, he was ordered to file a form application to proceed *in forma pauperis* and a certificate of inmate trust account within thirty days. (*See* doc. 353.) He was warned that if he did not comply, a recommendation to deny the motion to proceed *in forma pauperis* on appeal would be entered. (*See id.*)

The defendant has still not complied with the order. Because he has not presented a certificate of inmate trust account as required, he has not shown that he is a pauper. His motion to proceed *in forma pauperis* should be denied.

¹ Under *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

SO RECOMMENDED this 26th day of August, 2020.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE